

REMARKS

This Amendment is in response to the Official Action mailed December 4, 2002. A petition for a two-month extension of time, extending the time for response from March 4, 2003 to and including May 5, 2003, is enclosed herewith.

To address the Examiner's rejections based upon § 112, Applicant has canceled claims 1-12, and in their place, introduced claims 13-26 that contain the recitations of claims 1-12. The new claims comply with acceptable U.S. patent practice, *e.g.*, the transitional language "characterized in that" is no longer present and claims 14-26 are properly dependent upon claim 13. In addition, Applicant has strived to establish and maintain proper antecedent basis for all claim recitations. Further, all recitations beginning with the term "preferably" are now the subject of separate dependent claims. In addition, the specification has been amended to include a brief description of Fig. 6. No new matter has been added. Accordingly, entry of the amendment is respectfully requested.

Claims 1-12 stand rejected pursuant to 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has canceled the aforementioned claims to overcome the Examiner's rejection. As discussed above, the newly added claims are more clearly directed to the subject matter which applicant considers as his invention, and conform to current U.S. practice. Reconsideration and withdrawal of the rejection are respectfully requested.

In response to the Examiner's assertion that Figure 6 is neither briefly described nor referred to in the specification, Applicant has amended the specification to include a brief description under the heading, "Brief description of the drawings." Support for the recited description can be found on page 13, lines 15 to 23. Furthermore, Figure 6 is expressly referred to. The specification recites, "[t]he analysis results for the three pulps disintegrated at different temperatures are given in Figure 6." (*See* specification, page 13, lines 18-19).

Claims 1 and 2 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *MacLeod*. The Examiner alleges that *MacLeod* discloses adding spent liquor to the digester at a temperature below 100° C to displace the hot spent liquor inside and surround the delignified

material, cooling the cooked material to below 100° C, wherein the temperature of the cooked material at discharge is 85° C. The Examiner has also alleged that *MacLeod* teaches pumping the delignified material from the digester to a receiving vessel, which is at atmospheric pressure for the next stage of the process. Applicant respectfully submits that *MacLeod* does not anticipate claims 1 or 2.

Table II on page 5 of *MacLeod* shows that although the temperature of the cooked material at discharge was approximately 85° C, the pressure at discharge was 590 kPa. Clearly, the overpressure was not relieved. The data in Table II also show that in instances where overpressure was relieved, the temperature of the cooked material at discharge was merely described as "less than 100° C." There is no specific teaching of a temperature within the claimed range, which is between about 60° and about 85°C. Finally, *MacLeod* is silent with respect to subsequent processing stages and the parameters of temperature and pressure at which they are conducted. More specifically, *MacLeod* does not teach treating the cooked material at atmospheric pressure after it has been pumped from the digester. Reconsideration and withdrawal of the rejection are respectfully requested.

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *MacLeod* in view of *Rydholm*, which allegedly discloses an alkaline pulping process wherein the hydrosulfite ion concentration, shown in terms of NaOH (mol/l) and Na₂S, NaSH (mol/l) to be below 1.5 for several ranges of cooking times. Applicant submits that the cited prior art would not have rendered the claimed invention obvious.

Even if a person skilled in the art had been motivated to combine the teachings of *Rydholm* and *MacLeod*, the claimed invention would not have been produced. *Rydholm* does not teach or suggest the elements that are missing in *MacLeod*, specifically relieving overpressure by cooling the cooked material to a temperature between about 60°C and about 85°C. Reconsideration and withdrawal of the rejection are respectfully requested.

Additionally, in response to the Examiner's objection to the drawings, Applicant now submits formal drawings incorporating all corrections. Figures 1 and 2 are now designated by the legend, "Prior Art."

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned **"Version with markings to show changes made."**

As all issues raised by the Examiner have now been overcome, Notice of Allowance is respectfully requested. If, for any reason, the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

Dated: 5/5/03

Respectfully submitted,

By Samantha Kameron
Samantha M. Kameron
Registration No.: 50,651
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorneys for Applicant

Version with Markings to Show Changes Made

IN THE SPECIFICATION

Please amend the paragraph beginning on page 6 line 27. Add the following paragraph:

Figure 6 shows pulp strength for three portions of cooked softwood chips disintegrated at different temperatures.